

REMARKS

The Office Action mailed March 5, 2003 has been reviewed and the Examiner's comments carefully considered. Claims 1, 3, 5, 6 and 9 are amended. Claims 12-18 are added. Thus, claims 1, 3, 5-18 are pending and submitted for reconsideration.

Claims 1, 3, 5-7 and 9-11 are rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,419,176 (Mizuno) in view of U.S. Patent No. 6,073,874 (Scheel). The rejection should be withdrawn because Mizuno cannot preclude patentability of the claimed invention pursuant to 35 U.S.C. § 103(c). Mizuno qualifies as prior art under 35 U.S.C. § 102(e). Pursuant to 35 U.S.C. § 103(c), Mizuno cannot preclude patentability because at the time the invention was made (i.e., the filing date of November 16, 2001 or the priority date of November 16, 2000) both the present application and Mizuno were owned by the same person or subject to an obligation of assignment to the same person (i.e., Takata Corporation). The assignment for the present application is recorded at the United States Patent and Trademark Office at Reel/Frame 012313/0311. Reconsideration and withdrawal of the rejection is respectfully requested.

The Examiner's attention is directed to DE 10008824 and GB 2347124 which are foreign counterpart applications to Mizuno. These two applications were published on September 14, 2000 and August 30, 2000 respectively. An Information Disclosure Statement is submitted concurrently herewith.

In the event that the Examiner intends to continue to rely on Scheel, Applicants address the merits of the above rejection below.

Scheel does not teach the claimed device or method. Scheel discloses a ball type pretensioner which includes a capsule containing grease positioned in the pretensioner pipe amongst the balls. Scheel discloses that the lubricant is stored in capsules that "will only rupture or burst upon stronger pressure application." (Col. 2, line 33). In particular, Scheel discloses that the impact of the driving piston on the capsule destroys the capsule and releases the grease." (Col. 3, lines 17-19). Scheel also discloses that the grease may be released from the capsule during mounting of the retractor. (Col. 3, lines 21-23). Scheel also mentions DE 195 12 860 as disclosing graphic lamellas. Thus, the disclosure of Scheel is limited to

lubricating the pretensioner balls and pipe surfaces indirectly through the use of capsules or lamellas. On the contrary, the present application discloses directly coating particular surfaces of the pretensioner prior to operation of the pretensioner.

Claim 1 of the present application calls for the “entire surface of each of the plurality of balls is application with lubrication coating.” Claim 3 and 6 of the present application call for “the entire interior surface of the straight portion of the pipe” to be “coated with lubricant.” New claims 12-16 are directed to a “dry” lubricant. Scheel expressly teaches away from the use of a dry lubricant, because it provides for “no drying” of the lubricant. (Scheel at col. 2, line 29). New claims 17 and 18 call for the lubrication coating to be applied prior to complete assembly of the pretensioner. This feature is not taught by Scheel, because Scheel teaches that lubrication should occur after initiation of the gas generator or during mounting of the rotary tensioner. (Scheel at col. 8, lines 18-24).

Reconsideration of the pending claims in view of the above remarks is respectfully requested.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would expedite allowance of the application.

Respectfully submitted,

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SHOULD ADDITIONAL FEES BE NECESSARY IN CONNECTION WITH THE FILING OF THIS PAPER, OF IF A PETITION FOR EXTENSION OF TIME IS REQUIRED FOR TIMELY ACCEPTANCE OF SAME, THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE DEPOSIT ACCOUNT NO. 19-0741 FOR ANY SUCH FEES; AND APPLICANT(S) HEREBY PETITION FOR ANY NEEDED EXTENSION OF TIME.